



WEB COPY

WP NO.4552 of 2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2025

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THE HONOURABLE MRS JUSTICE N. MALA

WP NO.4552 of 2021

G.Daniel

... Petitioner

Vs.

M/s. State Express Transport Corporation Ltd.,
Managing Director,

Chennai - 600 002.

Rep. by its
No.2, Pallavan Salai,

...

Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, please to issue a Writ of Certiorarified Mandamus, calling for the records of the respondent in letter No.010724/வை.நி.1/அ.வி.பேர.க. த.ந./2021 நாள் 11.01.2021 and quash the same and consequently direct the respondent to take into account of petitioner's 50% past daily paid services for calculation of pension from 01.05.1982 to 31.08.1986 rendered in the respondent corporation in terms of the G.O.No.408 Finance (Pension) Department, dated 25.08.2009.

For Petitioner(s):

Mr.D.Soundar Raj

For Respondent(s):

Mr.S.Sivasubramani

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**ORDER**

This Writ Petition is filed to call for the records of the respondent in letter No.010724/வை.நி.1/அ.வி.பேர.க. த.ந./2021 நாள் 11.01.2021 and quash the same and consequently direct the respondent to take into account of petitioner's 50% past daily paid services for calculation of pension from 01.05.1982 to 31.08.1986 rendered in the respondent corporation in terms of the G.O.No.408 Finance (Pension) Department, dated 25.08.2009.

2.The petitioner was appointed as Helper in the respondent Corporation on 01.05.1982, and his services were regularized from 01.07.1986. He retired from service on 30.06.2013, after rendering 31 years of unblemished service. The petitioner made a oral and written representation to the respondent to implement G.O.No.408, Finance (Pension) Department, dated 25.08.2029, but the same ended in vain. The petitioner therefore filed a writ petition before this Court in W.P.No.24007 of 2016, directing the respondent to take into account the petitioner's 50% past daily paid services from 01.05.1982 to 31.08.1986 rendered in the respondent Corporation in line with the G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009, for the purpose of calculating his pension. This Court vide order dated 13.07.2016 disposed of the said writ petition, by directing



the respondent to consider and dispose of the representation of the petitioner dated 22.06.2016. The petitioner thereafter filed another writ petition in W.P.No.28892 of 2017 with a similar prayer and the same was disposed of by this Court on 19.12.2019, directing the petitioner to submit a representation to the first respondent therein within a period of two weeks from the date of receipt of a copy of the order and on such representation being made, the first respondent therein was directed to consider the same and pass appropriate orders on merits and in accordance with law, as expeditiously as possible. Thereafter, the petitioner submitted his representation on 15.10.2020, in pursuance of which the impugned order came to be passed. Aggrieved by the impugned order, the petitioner has filed the above writ petition for the aforesaid relief.

3.The respondent filed a detailed counter denying all the allegations and contentions raised in the writ petition. The respondent submitted that G.O.Ms.No.408 applied only to the Government Servants and employees of local bodies and the same did not apply to the Transport Corporation employee. The respondent also submitted that the petitioner's claim was rightly rejected by the respondent and therefore the writ petition was meritless.

4.The learned counsel for the petitioner submitted that the petitioner



satisfied all the conditions imposed in G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009 and therefore the impugned order deserved to be set aside.

5.The learned counsel for the respondent reiterating the contentions raised in the counter submitted that the G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009 did not apply to the respondent Corporation. When the petitioner joined the respondent Corporation there was no pension scheme, but it came into effect from 01.09.1998, by forming a separate TNSTCEPF Trust. Pension to the retired employees of the respondent Corporation were paid only through the Trust and the petitioner herein also received pension through the TNSTCEPF Trust. The learned counsel therefore submitted that the claim of the petitioner was rightly rejected by the respondent.

6.I have heard both the learned counsels and I have perused the materials placed on record.

6.From the reading of G.O.Ms.No.408, Finance (Pension) Department, dated 25.08.2009, it is seen that G.O.Ms.No.408 applies only to the Government Servants and employees of local bodies and the same does not apply to the



employees of the Transport Corporation, therefore the respondent cannot be faulted for rejecting the petitioner's claim. It is the respondent's case that as petitioner is a retired Transport Corporation employee, pension is paid to the petitioner through TNSTCEPF Trust, which is not denied by the petitioner. As G.O.Ms.No.408 does not apply to Transport Corporation employees the petitioner claim was rightly rejected. I therefore find no illegality or irregularity in the impugned order and hence, the impugned order does not call for any interference.

7.Hence, the Writ Petition is dismissed as meritless. However, there shall be no order as to costs.

06.02.2025

Speaking order/Non-speaking order

Index : Yes/No

Internet : Yes/No

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To

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N.MALA, J.,
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